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REMARKS

This is a full and timely response to the non-final Official Action mailed July 18, 2007. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Under the imposition of a previous Restriction Requirement, claims 16-21, 26-28 and 34-46 were withdrawn from consideration. To expedite the prosecution of this application, withdrawn claims 16-21, 26-28 and 34-46 are cancelled by the present paper without prejudice or disclaimer. Applicant reserves the right to file any number of continuation or divisional applications to the withdrawn claims or to any other subject matter described in the present application.

By the forgoing amendment, various claims have been amended. Additionally, claims 15, 31-33, 47 and 48 have been cancelled without prejudice or disclaimer, and claims 49-57 have been added.

Thus, claims 1-14, 22-25, 29, 30 and 49-57 are currently pending for further action.

Objection to Claims:

The recent Office Action attempts to state an objection to claim 29. However, the text of the objection is incomplete leaving Applicant with insufficient information as to the nature of the objection. Applicant has reviewed claim 29 and finds nothing therein that might be objectionable. Consequently, Applicant requests that the objection be explained on the record or reconsidered and withdrawn.

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35 U.S.C. § 112, second paragraph:

In the recent Office Action, claims 22-25 and 29 were rejected under 35 U.S.C. § 112, second paragraph.

With regard to claim 22, the Office Action appears to be noting that the preamble of the claim mentions a consumable for a use with a printing device, while the body of the claim affirmatively recites that consumable and further detail regarding the consumable. If this is all the Office Action is attempting to point out, there is no basis for a rejection under 35 U.S.C. § 112, second paragraph. Consequently, the rejection of claim 22 and its dependent claims under 35 U.S.C. § 112, second paragraph, should be reconsidered and withdrawn.

With regard to claim 29, the Office Action argues that “said printing device” in the phrase ‘a printing device interface configured to communicate with a memory affixed to a printing device consumable installed in said printing device’ lacks antecedent basis.” (Action of 7/18/07, p. 3). Applicant respectfully disagrees. The preamble of claim 29 recites “a printing device” and, consequently, provides antecedent basis for the subsequent recitation of “said printing device” in the body of the claim. Therefore, the rejection of claim 29 under 35 U.S.C. § 112, second paragraph, should be reconsidered and withdrawn.

Prior Art:

Claims 1-15, 22-25, 39-33 and 47-48 were rejected under 35 U.S.C. § 103(a) over the teachings of U.S. Patent No. 6,081,850 to Garney (“Garney”) taken in combination with either U.S. Patent No. 6,529,691 to Guy (“Guy”) or U.S. Patent No. 6,655,779 to Usui (“Usui”). For at least the following reasons, this rejection is respectfully traversed.

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Claim 1 now recites:

A method of using a printing device consumable, said method comprising storing an identification key in a memory affixed to said printing device consumable,
receiving said identification key in a printing device and
accepting said printing device consumable for use in said printing device only if said identification key identifies a compatible printing device consumable,
wherein said accepting said printing device consumable comprises unlocking a locked locking mechanism that, when locked, disables either said printing device consumable or said printing device.

Support for the amendment to claim 1 can be found in Applicant's originally filed specification at, for example, paragraphs 0035-6.

In contrast, the cited combination of prior art references fails to teach or suggest this subject matter. For example, Garney teaches removable computer cards that can be added to a computer system. (Garney, abstract). Clearly, a computer card is not a printing device consumable. (Applicant's specification, paragraph 0027). Consequently, Garney has absolutely nothing to do with the claimed method involving a printing device consumable and is totally irrelevant to the claimed subject matter.

Guy teaches "embedding a small distinct resistor of a known value in a supply accessory such as a toner cartridge or bottle for each OEM customer, the machine logic of the device via a simple window comparator circuit can read or identify the resistor value and accept the toner bottle as original or as an acceptable replacement." (Guy, col. 3, lines 28-35). Consequently, Guy also fails to teach or suggest any of the subject matter of claim 1. Guy does not teach or suggest "storing [an] identification key in a memory affixed to [a] printing device consumable." Guy further does not teach or suggest "accepting said printing device consumable for use in said printing device only if said identification key identifies a compatible printing device consumable, wherein said accepting said printing device

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consumable comprises unlocking a locked locking mechanism that, when locked, disables either said printing device consumable or said printing device.”

Usui is entitled, “Judgment on Compatibility Between Ink Cartridges and Printing Apparatus.” (Usui, title). However, Usui does not teach or suggest a method like that in claim 1 including “accepting said printing device consumable for use in said printing device only if said identification key identifies a compatible printing device consumable, wherein said accepting said printing device consumable comprises unlocking a locked locking mechanism that, when locked, disables either said printing device consumable or said printing device.”

None of the cited references teach or suggest the claimed locking mechanism that, “when locked, disables either [a] printing device consumable or [a] printing device.”

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Garney, Guy and Usui, did not include a method of using a printing device consumable comprising accepting said printing device consumable for use in said printing device only if said identification key identifies a compatible printing device consumable, wherein said accepting said printing device consumable comprises unlocking a locked locking mechanism that, when locked, disables either said printing device consumable or said printing device.” None of the cited references teach or suggest a locking mechanism that, “when locked” disables either [a] printing device consumable or [a] printing device.” Consequently, this subject matter is outside the scope and content of the cited prior art.

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These differences between the cited prior art and the claimed subject matter are significant because the claimed method provides a way to prevent unverified printing device consumables from being used in a printing device using a locking mechanism. This method and its advantages were unrecognized and unknown in the cited prior art.

Consequently, Garney, Guy and Usui will not support a rejection of claim under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection of claim 1 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. For example, claim 3 recites "uploading an identification interface from said memory to said memory of said printing device and receiving said identification key through said identification interface." In contrast, the cited prior art does not appear to even mention the concept of an identification interface as disclosed and claimed by the Applicant. (*See Applicant's specification, paragraph 0023*). Moreover, the Office Action does not specifically address claim 3 or explain how or where the cited prior art is thought to teach this subject matter. For at least these additional reasons, the rejection of claim 3 should be reconsidered and withdrawn.

Claim 4 now recites:

A method for verifying a printing device consumable, said method comprising:
storing an identification key on a printing device consumable memory;
interfacing said memory with said printing device;
verifying said printing device consumable for use with said printing device
based on said identification key; and
disengaging a locking mechanism that selectively disables said printing device
upon verification of said identification key;
wherein said printing device periodically reengages said locking mechanism
prior to re-verifying said identification key.

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Support for the amendment to claim 4 can be found in Applicant's originally filed specification at, for example, paragraphs 0035-6 and 0038.

In contrast, as demonstrated above, the cited prior art fails to teach or suggest the features of claim 4. In particular, as discussed above, the cited prior art does not teach or suggest "disengaging a locking mechanism that selectively disables said printing device upon verification of said identification key." Moreover, the cited prior art clearly does not teach or suggest that "said printing device periodically reengages said locking mechanism prior to re-verifying said identification key."

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Garney, Guy and Usui, did not encompass a method such as that recited in claim 4 including "disengaging a locking mechanism that selectively disables said printing device upon verification of said identification key; wherein said printing device periodically reengages said locking mechanism prior to re-verifying said identification key."

These difference between the cited prior art and the claimed subject matter are significant. The claimed method provides a way to prevent unverified printing device consumables from being used in a printing device by the use of a locking mechanism, where the printing device periodically re-verifies the consumable to further ensure that unverified consumables are not used. This method and its advantages were unrecognized and unknown in the cited prior art.

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Consequently, Garney, Guy and Usui will not support a rejection of claim under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection of claim 4 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claim 9 recites "uploading an identification interface from said memory to said printing device; and accessing said identification key on said memory through said identification interface." In contrast, as noted above, the cited prior art does not appear to even mention the concept of an identification interface as disclosed and claimed by the Applicant. Moreover, the Office Action does not specifically address claim 9 or explain how or where the cited prior art is thought to teach this subject matter. For at least these additional reasons, the rejection of claims 9-14 should be reconsidered and withdrawn.

Claim 12 recites "wherein said printing device consumable is inoperable in said printing device until said identification key has been verified." This subject matter is not taught or suggested by the cited prior art. For at least these additional reasons, the rejection of claim 12 should be reconsidered and withdrawn.

Claim 13 recites "wherein said consumable is locked with a locking mechanism and the method further comprising unlocking said locking mechanism after said identification key has been verified." In combination with independent claim 4, claim 13 recites a second locking mechanism such that locking mechanisms are provided both in the printing device and on the printing device consumable. This subject matter is not taught or suggested by the cited prior art. For at least these additional reasons, the rejection of claim 13 should be reconsidered and withdrawn.

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Claim 22 recites:

A consumable for use with a printing device, said consumable comprising:
a printing device consumable;
a memory coupled to said printing device consumable storing an identification key for identifying said printing device consumable with respect to said printing device; and
a locking mechanism on said printing device consumable that renders said printing device consumable unusable until disengaged in response to verification based on said identification key.

Support for the amendment to claim 22 can be found in Applicant's originally filed specification at, for example, paragraph 0028.

In contrast, as demonstrated above, the cited prior art does not teach or suggest a consumable for use with a printing device that includes "a locking mechanism on said printing device consumable that renders said printing device consumable unusable until disengaged in response to verification based on said identification key."

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Garney, Guy and Usui, did not include a printing device consumable that includes "a locking mechanism *on said printing device consumable* that renders said printing device consumable unusable until disengaged in response to verification based on said identification key." (Emphasis added). This subject matter appears to be entirely beyond the scope and content of the cited prior art.

These differences between the cited prior art and the claimed subject matter are significant because the claimed consumable provides a means for preventing unverified

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printing device consumables from being unlocked for use in a printing device. Such a printing device consumable and its advantages were unrecognized and unknown in the cited prior art.

Consequently, Garney, Guy and Usui will not support a rejection of claim 22 under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection of claims 22-25 should be reconsidered and withdrawn.

Claim 29 recites:

A printing device comprising:
a printing device interface configured to communicate with a memory affixed to a printing device consumable installed in said printing device;
a printing device controller programmed to receive an identification key from said memory through said printing device interface to identify said printing device consumable; and
a locking mechanism for selectively rendering said printing device inoperable, wherein said printing device controller is programmed to unlock said locking mechanism only if said identification key identifies a compatible printing device consumable.

Support for the amendment to claim 29 can be found in Applicant's originally filed specification at, for example, paragraphs 0035-6.

In contrast, as discussed above, the cited combination of prior art references fails to teach or suggest the claimed printing device including "a locking mechanism for selectively rendering said printing device inoperable, wherein said printing device controller is programmed to unlock said locking mechanism only if said identification key identifies a compatible printing device consumable."

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in

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view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Garney, Guy and Usui, did not include a printing device having "a locking mechanism for selectively rendering said printing device inoperable, wherein said printing device controller is programmed to unlock said locking mechanism only if said identification key identifies a compatible printing device consumable." None of the cited references teach or suggest printing device with a locking mechanism as claimed.

These differences between the cited prior art and the claimed subject matter are significant because the claimed printing device includes a means for preventing unverified printing device consumables from being used in the printing device due to a locking mechanism. Such a printing device and its advantages were unrecognized and unknown in the cited prior art.

Consequently, Garney, Guy and Usui will not support a rejection of claim under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection of claim 29 and its dependent claims should be reconsidered and withdrawn.

Conclusion:

The newly added claims are thought to be patentable over the prior art of record for at least the same reasons given above with respect to the original independent claims. Therefore, examination and allowance of the newly added claims is respectfully requested.

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any

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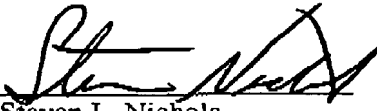
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instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: October 17, 2007



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